

# Arthur H. Lang

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November 6, 2024

Honorable Magistrate Judge Robert M. Levy  
United States District Court for the New York Eastern District  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: Jest Holdings, LLC. V. Ira Russack, et al. Case No: 1:23-cv-04260-DG-RML

Dear Magistrate Judge Levy,

As you know I represent the Plaintiff, Jest Holdings, LLC. in the above referenced matter. It has been almost two months since we have appeared in Court. My position, of course, is that enough facts have been established for summary judgment as a matter of law. My adversaries requested two months to depose witnesses, as far as I am concerned, for no good reason. Mr. Weinstein already admitted that there was no written encumbrance on Mr. Russack's shares. Mr. Kelton, on behalf of Mr. Russack, admitted that the transaction was a loan rather than a conveyance (he initially claimed this in order to wash his hands clean and deflect responsibility to Mr. Weinstein). In his answer, Mr. Russack admitted receiving \$1.2 million from my client. There is nothing left to decide. There is no factual dispute. Nonetheless, the Court gave them until the end of November add to the record whatever facts they needed. I pointed out to the Court that it was merely a delay tactic. Every month that passes, my client loses \$18,000 in interest.

As the Court recalls, I have consistently asked Mr. Kelton to do the depositions that he said he needs. Not only no date was ever set up, but then he informed the Court that he was withdrawing. I opposed that withdrawal. I should have known that my adversaries would have pulled out another delay tactic from its bottomless bag of tricks.

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I am copying this letter to Mr. Kelton as it is his responsibility to get it to Mr. Russack. For whatever reason he ended his relation with Mr. Kelton, it is his responsibility to meet the Court deadline, whether pro se or with an attorney. As in my previous letter, I would suggest that a one-day plenary hearing with all the witness defendants desire, and just one day because an requesting an extended hearing would be another delay tactic, if that would induce Mr. Russack or his attorney, to diligently proceed.

I thank the Court for its attention to this matter.

s/Arthur H. Lang

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